

ATTORNEY DOCKET NO.: POL 3.0-036



#1/18 1732

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Westhoff et al

Serial No. 09/395,106

Filed: September 14, 1999

For:

**MANHOLE STEP INSERT FOR PREVENTING SEEPAGE
DURING MANUFACTURE OF A CAST MEMBER AND TO
PROVIDE A STEP INSERT HAVING INCREASED STRUCTURAL
AND HOLDING STRENGTH**

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On December 22, 1999
Bartine Dickinson

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PETITION UNDER 37 C.F.R. 1.48

This petition under Section 1.48 is submitted herewith to add Craig B. Williams as a joint inventor of the invention shown Figures 6 through 10 of the above identified application.

A statement verified by the original named inventors accompanies this Petition establishing when the error without deceptive intention was discovered and how it occurred.

A declaration by each actual inventor as required by Section 1.63 also accompanies this petition.

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A check in the amount of \$130.00 accompanies this Petition in accordance with Section 1.20(d).

The written consent of the assignee also accompanies this Petition.

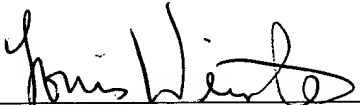
An assignment document assigning the interest of Craig B. Williams to the original assignee also accompanies this Petition. A check in the amount of \$40.00 accompanies this Petition and Assignment to cover the assignment recording fee.

In the event of an overpayment or under payment the undersigned hereby authorizes the Patent Office to respectively credit or charge the count of the undersigned (Account #23-0815).

Favorable action is awaited.

Respectfully submitted,

WEINSTEIN & KIMMELMAN

By 

Louis Weinstein

Registration No. 20,477

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Phone: 215-985-1133

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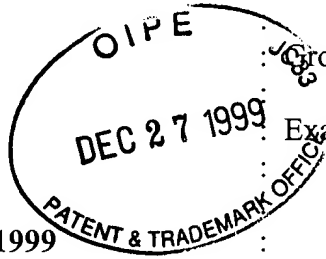
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Group Art Unit: n/a

Examiner: n/a

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

VERIFIED STATEMENT OF FACTS

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We, James Kelly and James Westhoff, whose names are recited in the above identified non-provisional application as the joint inventors thereof, declare that:

They are the joint inventors of the subject matter of figures 1 through 5, as well as the subject matter of figures 6-10 in the above-identified non-provisional application. We filed a provisional application, Serial No. 60/100,324, containing the subject matter shown in Figures 1-5 of the above-identified non-provisional application, on September 15, 1998.

On or about March 1, 1999, we met with Craig D. Williams to discuss a potential new product. Mr. Williams provided us with some sketches of an idea he had developed.

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We had developed some ideas of our own and engaged in some research and development subsequent to the meeting with Mr. Williams, which led to the development of some prototypes. We tested the prototypes to determine the feasibility of their design.

Sometime in June, 1999 we received a telephone call from our patent counsel reminding us that we had filed a provisional application (Ser. No. 60/100,324) September 15, 1998, which is directed to the invention of figures 1 through 5 of the above-identified non-provisional application. The provisional application names us (James Kelly and James Westhoff) as joint inventors. Our patent counsel advised that it would be necessary to file a non provisional application directed to the subject matter of the provisional application, by no later than September 14, 1999, in order to claim the benefit of the provisional application.

We met with our patent counsel in the early part of September, 1999 to start preparation of a non-provisional application. We requested that our patent counsel incorporate a new design that is now figures 6-10 of the above-identified application, together with the subject matter of the provisional application shown by figures 1 through 5 of the above identified application.

Our patent counsel requested that we advise him of any change in the inventors. We advised our patent counsel that the inventors are James Kelly and James Westhoff, erroneously based upon the fact that we were the joint inventors of the provisional application and also due to the rush to complete and file the non-provisional application in time to claim priority based on the provisional application Serial No. 60/100,324.

On or about September 20, 1999, we discussed the prototypes of our new design as shown in figures 6-10 of the above-identified application to Mr. Williams. He

recognized aspects of the idea which he discussed with us in March 1999 and we realized that that time that we had erroneously omitted naming Mr. Williams as a third joint inventor of the above-identified application.

We contacted our patent counsel and related this situation to him. He recommended that a Petition to add Mr. Williams as a joint inventor be filed with the U.S. Patent Office. We authorized its preparation.

Our failure to identify Mr. Williams as a joint inventor of the subject matter of figures 6-10 of the above-identified application occurred erroneously and without deliberate intent.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNED

BY 
JAMES A. WESTHOFF

AND

BY 
JAMES A. KELLY

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

ASSENT OF ASSIGNEE

Poly-tec Products, Inc., the Assignee of the above-identified application as set forth in an Assignment filed with the U.S. Patent and Trademark Office hereby gives its consent to the addition of Craig B. Williams as a third joint inventor to the above-identified application.

POLY-TEC PRODUCTS, INC.

By: James A. Westhoff
James A. Westhoff
President

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